

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-MJ-03998-AOV-1

UNITED STATES OF AMERICA,

Miami, Florida

Plaintiff(s),

September 19, 2024

VS.

MALONE LAM,

Defendant (s) .

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INITIAL APPEARANCE
TRANSCRIBED FROM DIGITAL AUDIO RECORDING
BEFORE THE HONORABLE ALICIA O. VALLE
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 Thereupon,

2 the following proceedings were held:

3 THE DEPUTY CLERK: Calling on page 3, case No. 19 CR
4 20742, Graham, United States of America v. Fernando Reis.

5 Counsel, please state your name for the record,
6 beginning with the government.

7 MR. REYNOLDS: Anthony Reynolds on behalf of the
8 United States, your Honor.

9 THE COURT: Mr. Reynolds, good afternoon again. And,
10 Mr. Reis. Is it Reis or Rice? How do you say it?

11 DEFENDANT REIS: It is Reis.

12 THE COURT: Reis.

13 DEFENDANT REIS: Yes.

14 THE COURT: Nice to meet you, sir.

15 DEFENDANT REIS: Thank you.

16 THE COURT: Mr. Reis -- well, before going further,
17 can we advise all of them of their rights. Can you swear them
18 in.

19 THE DEPUTY CLERK: Yes, Judge.

20 Could everyone please raise your right hand to be
21 sworn.

22 Do you swear or affirm the testimony you will give
23 today will be the truth, the whole truth, and nothing but the
24 truth?

25 Please everyone say yes.

1 (All defendants answer in the affirmative)

2 THE DEPUTY CLERK: Thank you.

3 THE COURT: All right. Thank you.

4 Before starting with Mr. Reis' case, what I'd like to
5 do is advise all of you together of your rights in connection
6 with your initial appearance in court today.

7 I see two of you in the front row are using the
8 services of the court interpreter. I want to make sure that
9 you can both hear and understand everything I am saying through
10 the headphones with the help of the court interpreter.

11 The first person at the end, can you hear and
12 understand everything? You must say yes or no.

13 DEFENDANT ONE: Yes.

14 THE COURT: And the third person on the bottom row,
15 can you hear and understand everything?

16 DEFENDANT TWO: Yes.

17 THE COURT: Thank you. There is a gentleman in the
18 back of the first individual.

19 Can you hear and understand everything?

20 DEFENDANT THREE: Yes.

21 THE COURT: All right. Anyone else that I can't see
22 wearing -- OK.

23 At this point as we start the proceedings, if at any
24 point during the proceedings there is something that you don't
25 understand or your headphones stop working or you can't hear

1 us, please let me know so that we can fix the problem because
2 it's important that you understand everything and you hear
3 everything. So if there is any kind of a problem, please let
4 me know.

5 Understood? No. 1?

6 DEFENDANT ONE: Yes.

7 THE COURT: No. 2?

8 DEFENDANT TWO: Yes.

9 THE COURT: All right. The three of you understand.

10 Thank you.

11 So please listen as I advise all of you together of
12 your rights in connection with your appearance in court.

13 First of all -- now I am going to need Mr. Reis'
14 attention as well.

15 MR. HOULIHAN: Sorry, your Honor. Just for the
16 court's benefit, Mr. Reis has a pending substantive case, he's
17 been found indigent, and the Federal Public Defender is
18 representing him on that case.

19 THE COURT: All right. We'll get to him in a second.
20 For now what I want to do is advise all of them of their
21 rights, but I appreciate the information.

22 So please listen as I advise all of you of your
23 rights.

24 First of all, you have the right to remain silent.
25 Anything that you say can be used against you by the

1 government. You have the right to have a lawyer represent you
2 at this proceeding and at all future proceedings going forward.

3 If you cannot afford to hire and pay for your own
4 private lawyer, I can appoint one for you at no cost if I
5 determine that you meet certain financial conditions. The way
6 that I do that is -- you're already under oath -- I would ask
7 you questions about your finances, about your ability to hire
8 and pay for your own lawyer. My questions would be limited
9 only to your finances. I would not be asking you any questions
10 about your guilt or innocence or anything having to do with the
11 charges in the complaint or indictment against you but only
12 about your ability to pay for a lawyer.

13 Mr. Reis, do you understand that?

14 DEFENDANT REIS: Yes, Judge.

15 THE COURT: Mr. Lopez, do you understand that?

16 DEFENDANT LOPEZ: Yes.

17 THE COURT: Mr. Oden, do you understand that? I
18 couldn't hear you, sir.

19 DEFENDANT ODEN: (Inaudible).

20 THE COURT: Mr. Geigel, do you understand that?

21 DEFENDANT GEIGEL: Yes.

22 THE COURT: Mr. Matos, do you understand that?

23 DEFENDANT MATOS: Yes.

24 THE COURT: Mr. Murray, do you understand that?

25 DEFENDANT MURRAY: (inaudible).

1 THE COURT: Mr. Choke or Chute.

2 DEFENDANT CHUTE: Yes.

3 THE COURT: Do you understand that?

4 DEFENDANT CHUTE: Yes.

5 THE COURT: And how do you pronounce your name, sir?

6 DEFENDANT CHUTE: Chute.

7 THE COURT: Chute. Neither of the ways I said it.

8 Mr. Lam, do you understand that?

9 DEFENDANT LAM: Yes, your Honor.

10 THE COURT: And, Mr. Rodriguez, do you understand
11 that?

12 DEFENDANT RODRIGUEZ: Yes.

13 THE COURT: OK. Next, you have the right to have a
14 bond hearing or a detention hearing if the government requests
15 that you be detained pending disposition of your charges. At
16 that time either me or another judge would have a hearing to
17 determine whether to detain you pending resolution of your
18 charges or release you on a monetary bond.

19 If you are released on a monetary bond, you are
20 nonetheless subject to arrest, revocation of release, and
21 various civil and criminal sanctions if you violate any special
22 condition, non-monetary condition, that I may set along with
23 the monetary bond.

24 Mr. Reis, do you understand that, sir?

25 DEFENDANT REIS: Yes, Judge.

1 THE COURT: Mr. Lopez, do you understand that, sir?

2 DEFENDANT LOPEZ: Yes.

3 THE COURT: Mr. Oden, do you understand that, sir?

4 DEFENDANT ODEN: Yes.

5 THE COURT: Mr. Geigel, do you understand that, sir?

6 DEFENDANT GEIGEL: Yes.

7 THE COURT: Mr. Matos, do you understand that, sir?

8 DEFENDANT MATOS: Yes.

9 THE COURT: Mr. Murray, do you understand that, sir?

10 DEFENANT MURRAY: (Inaudible).

11 THE COURT: Mr. chute, do you understand that, sir?

12 DEFENDANT CHUTE: Yes.

13 THE COURT: Mr. Lam, do you understand?

14 DEFENDANT LAM: Yes, ma'am.

15 THE COURT: And, Mr. Rodriguez, do you understand?

16 DEFENDANT RODRIGUEZ: Yes, ma'am.

17 THE COURT: All right. Now some of you are appearing
18 in court today, you've been charged with a crime either by
19 indictment or by complaint. If you are charged by complaint,
20 which is the less formal type of accusation, then you are
21 entitled to have what is called a preliminary hearing within 14
22 days of today if you are to remain in custody or within 21 days
23 of today if you are released on a monetary bond.

24 At that preliminary hearing, the government would have
25 to present evidence to show that there is probable cause that a

1 crime was committed and that you were the person who committed
2 the crime. However, there is no need for such a probable cause
3 hearing if, instead, one, you choose to waive that hearing
4 after you have advice from your counsel, after you've spoken
5 with your attorney; or, two, if the government goes before a
6 grand jury and the grand jury returns an indictment, which, as
7 I mentioned before, is a more formal accusation.

8 Mr. Reis, do you understand that, sir?

9 DEFENDANT REIS: Yes, Judge.

10 THE COURT: Mr. Lopez, do you understand that, sir?

11 DEFENDANT LOPEZ: Yes.

12 THE COURT: Mr. Oden, do you understand that, sir?

13 DEFENDANT ODEN: Yes.

14 THE COURT: Mr. Geigel, do you, sir?

15 DEFENDANT GEIGEL: Yes.

16 THE COURT: Mr. Matos, do you?

17 DEFENDANT MATOS: Yes.

18 THE COURT: Mr. Murray, do you?

19 DEFENANT MURRAY: (Inaudible).

20 THE COURT: I couldn't hear you.

21 DEFENANT MURRAY: Yes, ma'am.

22 THE COURT: Thank you.

23 Mr. Chute?

24 DEFENDANT CHUTE: Yes, ma'am.

25 THE COURT: And, Mr. Murray, I didn't hear you.

1 DEFENANT MURRAY: Yes, ma'am.

2 THE COURT: Mr. Lam.

3 DEFENDANT LAM: Yes, your Honor.

4 THE COURT: And, Mr. Rodriguez.

5 DEFENDANT RODRIGUEZ: Yes, ma'am.

6 THE COURT: All right. Lastly, if any of you are not
7 United States citizens at this time, you may request that the
8 attorney for the government or another law enforcement official
9 notify your country of nationality of the fact that you have
10 been arrested. As well, the government has to comply with any
11 treaties or other international agreements that requires the
12 government to notify your country of nationality even without
13 your specific request.

14 Mr. Reis, do you understand that, sir?

15 DEFENDANT REIS: Yes, Judge.

16 THE COURT: Mr. Lopez, do you understand that, sir?

17 DEFENDANT LOPEZ: Yes.

18 THE COURT: Mr. Oden, do you understand that, sir?

19 DEFENDANT ODEN: (Inaudible).

20 THE COURT: Mr. Geigel, do you understand that, sir?

21 DEFENDANT GEIGEL: Yes.

22 THE COURT: Mr. Matos, do you understand?

23 DEFENDANT MATOS: Yes.

24 THE COURT: Mr. Murray, do you?

25 DEFENANT MURRAY: Yes.

1 THE COURT: Mr. Chute, do you?

2 DEFENDANT CHUTE: Yes, ma'am.

3 THE COURT: And, Mr. Rodriguez, do you?

4 DEFENDANT RODRIGUEZ: Yes.

5 THE COURT: All right. So those are your rights in
6 connection with your initial appearance today and throughout
7 the rest of the proceedings.

8 As I said, I do this all at once so that I don't have
9 to repeat that individually, but when it's your turn up at the
10 podium where Mr. Reis is, if you have any questions, you can
11 certainly be free to ask me.

12 I just want to make sure -- I am going to ask one more
13 time -- did everyone understand the rights that I advised you
14 of? If you did not, please raise your hand.

15 All right. Nobody has raised their hand, so I am
16 going to move on back to you, Mr. Reis.

17 (Recess)

18 THE DEPUTY CLERK: Calling on page 10, case No. 24 MJ
19 3998, Valle. United States of America v. Malone Lam.

20 Counsels, please state your name for the record,
21 beginning with the government.

22 MR. REYNOLDS: Anthony Reynolds, your Honor, on behalf
23 of the United States.

24 MS. VILLAR: Good afternoon, your Honor. Yisel
25 Villar, with the Law Offices of Jeff Weiner, on behalf of

1 Mr. Malone Lam, who is present before the court.

2 THE COURT: Thank you very much, Ms. Villar.

3 MS. VILLAR: And we are here on the limited appearance
4 for initial appearance and pretrial detention.

5 THE DEPUTY CLERK: Do you have the paper?

6 MS. VILLAR: Yes, I do.

7 THE COURT: So temporary.

8 THE DEPUTY CLERK: Thank you.

9 THE COURT: And do you expect seeking to modify that
10 so we can set this for a report re counsel?

11 MS. VILLAR: Yes, your Honor, we expect that.

12 THE COURT: All right. How long do you think you'll
13 need to finalize the arrangements?

14 MS. VILLAR: At least a week.

15 THE COURT: All right. We'll set that out. Let's see
16 how the rest of it goes. Thank you.

17 MS. VILLAR: Thank you.

18 THE COURT: All right. Mr. Lam, you are here -- first
19 of all --

20 MR. REYNOLDS: Your Honor, may I just say, I believe
21 that this is a sealed indictment, so the government would move
22 to unseal at this time.

23 THE COURT: Correct. I was just going to ask you
24 about that, and I will grant the government's oral motion to
25 unseal. I'm signing the order now.

1 MR. REYNOLDS: Thank you, your Honor.

2 THE COURT: You're welcome.

3 So now that that's out of the way, Mr. Lam, let me
4 tell you why you are here. Your case is a little bit
5 different. You are charged by way of indictment, but the
6 indictment comes out of the District of Columbia, Washington,
7 D.C. It is not a South Florida case.

8 Understood?

9 You must say yes or no, sir.

10 THE DEFENDANT: Why is it charged in Columbia?

11 THE COURT: I don't know, but that is where the
12 indictment comes from.

13 You are charged with another individual with -- let me
14 see what you are charged with. You are charged in Count One
15 with conspiracy to commit wire fraud; Count Two with actual
16 money laundering; and in Count -- yes, just Counts One and Two.

17 THE DEFENDANT: I beg your pardon. Could you repeat
18 the charges?

19 THE COURT: Sure.

20 Count One is conspiracy to commit wire fraud, and we
21 might as well do this while we're here.

22 Mr. Reynolds, what is the maximum penalty for that?
23 Ten years?

24 MR. REYNOLDS: Your Honor, I have here the maximum
25 penalty as 20 years.

1 THE COURT: For conspiracy to commit wire fraud,
2 20-year maximum, and for money laundering, which is Count Two,
3 what is the maximum penalty for that?

4 MR. REYNOLDS: I don't have that at this moment, your
5 Honor, but I should be able to --

6 THE COURT: All right. I want to circle back on that.

7 MR. REYNOLDS: Yes.

8 THE COURT: I'm thinking it's also 20 years, but I'm
9 not 100 percent sure because I don't have a rule book here.
10 There is nothing here.

11 So for now I am going to tell you that each count is
12 punishable by up to 20 years in prison. That is the maximum.

13 As I've explained to everyone before, that is not a
14 prediction of the sentence that you would get; it's merely the
15 maximum that the law allows, and I tell you that so that you
16 can get a sense of the serious nature of the charges against
17 you.

18 Understood?

19 THE DEFENDANT: Yes.

20 THE COURT: OK. So as I said, the charges, this
21 indictment comes out of the District of Columbia. It is not a
22 South Florida case. You were arrested here because you
23 happened to be here. But before you can be sent back to D.C.
24 to answer these charges, you should know that you have
25 additional rights, and I'm going to advise you of those now.

1 All right. So please listen.

2 First of all, you have the right to have what is
3 called an identity hearing here in this district. At the
4 identity hearing, the government basically just has to prove
5 your identity, exactly what it sounds like. They have to prove
6 that you are in fact Malone Lam and that you are the person
7 that is charged in the District of Columbia.

8 Do you understand that, sir?

9 THE DEFENDANT: Yes.

10 THE COURT: Now you can choose to have that identity
11 hearing and make the government prove that you are in fact
12 Malone Lam or, with the advice of your counsel, you can choose
13 to waive that hearing and admit that you are Malone Lam.

14 If you choose to waive your identity hearing and admit
15 your identity, you are not admitting guilt as to the charges;
16 you are merely saying I am Malone Lam.

17 Do you understand that, sir?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: You also have the right to have a bond
20 hearing or a detention hearing if the government requests that
21 you be detained pending trial, but because this is a case from
22 another jurisdiction you have to make a decision, again, with
23 the advice of your attorney, on whether you want to have that
24 hearing here or in the D.C. court. You've got to make a
25 decision. You cannot have it in both places.

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: All right. You don't get two bites at the apple.

Lastly, you have a right -- actually, this is an indictment so this establishes probable cause in and of itself. So there is no need for a probable cause determination.

I'm looking for something.

Do you understand that, sir?

THE DEFENDANT: Yes, your Honor.

THE COURT: And lastly, you have the right to pursue the possibility of resolving this case here in South Florida without having to go to D.C., but you can only transfer the case to South Florida pursuant to Rule 20 if you want to plead guilty. If you want to contest the charges and go to trial, as is your right, you have got to do that in the District of Columbia.

Understood?

THE DEFENDANT: Yes, your Honor.

THE COURT: Lastly, in case you want the case transferred, the case can only be transferred here if both the prosecutor in the District of Columbia and the prosecutor here in South Florida both agree. They both have to agree to the transfer.

Understood?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: All right. So those are your additional
3 charges -- I mean your additional rights before you can be
4 transferred back.

5 So we've already spoken with Ms. Villar and we know
6 that she's here to represent you at today's initial appearance
7 and at any pretrial detention hearing, if the government
8 requests that you be detained, and any removal hearing, I
9 assume. Correct, Ms. Villar?

10 MS. VILLAR: Yes, your Honor. If I may, we have been
11 in contact with the government and our request, mutual request,
12 that the pretrial detention hearing and the proceedings be
13 reset until tomorrow, if possible.

14 THE COURT: You guys are making my Friday a lot of
15 fun. But I totally understand that.

16 MS. VILLAR: Thank you.

17 THE COURT: So that is the removal hearing and PTD
18 hearing or just PTD?

19 MS. VILLAR: PTD.

20 THE COURT: OK. At this point I think -- I don't know
21 if you've had an opportunity to speak with Mr. Lam, but one of
22 the things I'd like you to discuss as well is what we are going
23 to do about the removal hearing, if we're going to have one, if
24 he's going to waive identity, if he's going to waive removal,
25 etc.

1 MS. VILLAR: Yes, and with the time until tomorrow we
2 will be enough time to discuss that with him as well and then
3 be able to advise the court.

4 THE COURT: All right. Sounds good.

5 In terms of bond recommendation, Mr. Reynolds.

6 MR. REYNOLDS: Yes, your Honor. I can confirm the
7 agreement to have a pretrial detention hearing tomorrow because
8 the government will be seeking detention.

9 THE COURT: All right. Mr. Lam, tomorrow seems like
10 it is a right around the corner, but that means that you're
11 going to spend the night in jail. I need you to understand
12 that.

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: OK. What time is the hearing tomorrow?

15 THE DEPUTY CLERK: 10 a.m., Judge.

16 THE COURT: All right. So I will be here tomorrow and
17 we will have the pretrial detention hearing tomorrow. At that
18 time if you need additional time on the removal and identity,
19 let me know, but we'll handle everything tomorrow morning.

20 MS. VILLAR: Thank you so much, your Honor.

21 THE COURT: All right. You're very welcome. Nice to
22 meet you.

23 MR. REYNOLDS: Thank you, your Honor.

24 THE COURT: Mr. Lam, I'll sue you tomorrow.

25 MR. REYNOLDS: Your Honor, may the government retain a

1 copy of the Pretrial Services report?

2 THE COURT: Yes, as may Ms. Villar.

3 MS. VILLAR: Thank you very much, your Honor.

4 THE COURT: You're welcome.

5 MS. VILLAR: May I have a copy of the indictment?

6 Thank you.

7 (Adjourned)

8

9 C E R T I F I C A T E

10

11 I hereby certify that the foregoing is an accurate
12 transcription to the best of my ability of the digital audio
13 recording in the above-entitled matter.

14

15 November 3, 2024

s/ Joanne Mancari
Joanne Mancari, RPR, CRR, CSR
Court Reporter
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